

REMARKS

Receipt of the office action mailed July 17, 2006 is acknowledged. Claims 1-23 are pending in the application and have been rejected over Kemmler or Gassman. Claims 1-23 are hereby canceled, and replaced with new claims 24-43.

New claim 24 recites, in part, a housing mountable adjacent the valve stem and having a groove, a receiver coupled to the housing and disposed adjacent the groove, and an assembly mountable to the valve stem. The assembly includes a magnet array and a transmitter, with the magnet array and the transmitter mountable to the valve stem, and with the magnet array extending into the groove to a location adjacent the receiver. The assembly is arranged to cooperate with the receiver to generate a signal indicative of a position of the valve stem relative to the housing.

Kemmler uses a magnetized valve stem rather than a magnet array mounted to the valve stem. Kemmler also contains no indication whatsoever of a magnet extending into a groove in a receiver. Neither the sensor 22 nor the magnetic track 20 teach or suggest a groove. Accordingly, Kemmler can neither anticipate nor render obvious new claim 24. Gassman adds nothing of relevance to claim 24. Accordingly, new claim 24 is in allowable form, as are all claims that depend from new claim 24.

New claim 34 positively recites, in part, a process control valve having a valve positioning system and comprising a shiftable valve stem operable to shift the position of a control element, a housing mounted in a fixed position adjacent the shiftable valve stem, with the housing including a receiver disposed adjacent a groove, and an assembly mounted to the valve stem and including a magnet and a transmitter. The magnet is mounted in a position to extend into the groove to a non-contact location adjacent the receiver, and the assembly is arranged to cooperate with the receiver to generate a signal indicative of a position of the valve stem relative to the housing.

Once again, Kemmler contains no indication whatsoever of a magnet extending into a groove in a receiver. Instead, Kemmler simply uses a magnetized valve stem, and neither the sensor 22 nor the magnetic track 20 extend into a groove in any way. Accordingly, Kemmler can neither anticipate nor render obvious new claim 34. Gassman

again adds nothing of relevance. Accordingly, new claim 34 is in allowable form, as are all claims that depend from new claim 34.

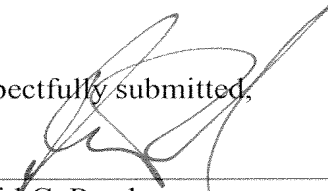
New claim 41 recites, in part, a magnet coupled to a transmitter, with the magnet and the transmitter mounted to the valve stem, and with the magnet mounted in a position to extend into the groove to a non-contact location adjacent the receiver. The magnet and the transmitter are arranged to cooperate with the receiver to generate a signal indicative of a position of the valve stem relative to the fixed yoke.

Again, Kemmler fails to teach or suggest a magnet extending into a groove adjacent a receiver. Instead, the magnetized valve stem of Kemmler just moves adjacent the sensor 22, with no groove whatsoever. Accordingly, new claim 41 is in allowable form, as are all claims that depend from new claim 41.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: November 17, 2006

Respectfully submitted,



By _____
David C. Read

Registration No. 39,811
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicant